IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 27624 of 2006(L)

PETITIONER:

SRI SAI SANKARA SANTHI KENDRAM,
KALADY, REPRESENTED BY ITS EXECUTIVE DIRECTOR,
SRI P.N. SRINIVASAN, S/O.V.G.NARAYANAN NAIR,
PARAMPUKATTIL HOUSE, NEDUMKUNNAM,
CHANGANACHERRY.

BY ADV. SRI.K.G.CLEETUS

RESPONDENTS:

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1. THE TRAVANCORE DEVASWOM BOARD,
NANTHANCODE, THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY.

2. THE COMMISSIONER,
TRAVANCORE DEVASWOM BOARD,
NANTHANCODE, THIRUVANANTHAPURAM.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC.27624/06

PETIITONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE CERTIFICATE OF REGISTRATION.

EXT.P2: TRUE COPY OF NEWS ITEM MALAYALA MANORAMA 27.9.06.

EXT.P3: TRUE COPY OF THE AGREEMENT DATED 2.2.2006.

EXT.P4: TRUE COPY OF THE RENTAL RECEIPT UPTO 15.10.06.

EXT.P5: TRUE COPY OF THE REPRESENTATION DATED 1.10.2006 SUBMITTED BY THE PETITIONER BEFORE RESPONDENTS.

EXT.P6: TRUE COPY OF THE NEWS ITEM PUBLISHED IN MATHRUBHUMI.

EXT.P7: TRUE COPY OF NEWS ITEM PUBLISHED IN MATHRUBUMI.

RESPONDENT'S EXHIBITS:

EXT.R1(a): TRUE COPY OF THE REPORT OF THE ASST. DEVASWOM COMMISSIONER, N.PARAVOOR DATED 1.9.06.

EXT.R1(b): TRUE COPY OF THE REPORT OF THE DEVASWOM COMMISSIONER, DATED 27.9.06 SUBMITTED BEFORE THE DEVASWOM BOARD OFFICE.

EXT.R1(c): TRUE COPY OF THE ORDER OF THE SECRETARY OF THE TRAVANCORE DEVASWOM BOARD DATED 26.10.06.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.27624 OF 2006

Dated this the 28th day of February, 2007

JUDGMENT

An auditorium with a few rooms belonging to the Travancore Devaswom Board was given to the petitioner under a licence arrangement. The petitioner continued to be in possession of the same and therefore, made Ext.P5 requesting that he may be permitted to occupy the building for another one year. Alleging that the TDB has not taken any action on Ext.P5, he moved this writ petition and obtained an order of stay from being evicted. The relationship between the parties is nothing but that of a licencee and a licensor and the petitioner is liable to quit on efflux of time is beyond dispute. However, as of now, it appears that the TDB is yet to auction the premises afresh, may be on account of the interim order passed in favour of the petitioner. Under such circumstances, this writ petition is disposed of directing that if the petitioner pays to the Board monthly licence fee at a rate equivalent to that which would

have worked out on the basis of the annual licence fee, on the basis of which he is now continuing, plus additional 10% of the monthly licence fee, he will be permitted to continue to occupy then premises for a further period of one year or till the said auction is finalised, whichever is earlier. It is also clarified that the petitioner will also be given an opportunity to participate in any fresh auction and abide by such conditions as may be imposed by the TDB.

The writ petition is disposed of as above.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.